

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

| | | |
|--------------------------|---|---------------------------|
| Eleven 10 LLC, |) | Case No. 1:20-cv-00689-JG |
| |) | |
| Plaintiff, |) | Judge James Gwin |
| |) | |
| vs. |) | |
| |) | |
| Live Action Safety, LLC, |) | |
| |) | |
| Defendant. |) | |

Consent Judgment and Permanent Injunction

WHEREAS, plaintiff Eleven 10 LLC (“Eleven 10”) filed this lawsuit against defendant Live Action Safety LLC (“LAS”) alleging, among other things, infringement of Eleven 10’s trademark and trade dress rights to Eleven 10’s hard-shell tourniquet holder (the “Eleven 10 Tourniquet Holder”), which Eleven 10 sells under the RIGID TQ CASE® trademark.

WHEREAS, the parties agree that this Court has personal jurisdiction over the parties and subject matter jurisdiction over the claims asserted in the Action.

WHEREAS, as evidenced by their signatures below, the parties have agreed to settle their dispute and hereby stipulate and agree to the facts set forth herein and request entry of this Consent Judgment and Permanent Injunction as final judgment without the taking of evidence and without conducting a trial.

NOW, THEREFORE, based on the stipulation by the parties, the stipulated facts, and the Court’s conclusion that permanent injunction relief is warranted, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. Eleven 10's RIGID TQ CASE trademark, U.S. Reg. No. 4,692,240, is valid and enforceable.

2. The Eleven 10 Tourniquet Holder, shown below, uses a distinctive trade dress (the "Eleven 10 Trade Dress"). The Eleven 10 Trade Dress includes the look and feel of the Eleven 10 Tourniquet Holder, including the design and appearance of the holder and the arrangement, size, and style of the ornamental features on the holder.

Eleven 10 Tourniquet Holder



3. The Eleven 10 Trade Dress has acquired distinctiveness and is valid and legally enforceable.

4. Zhongshan Mai Bu Mould Co., Ltd. ("FMA") is a Chinese company that does business under the tradename "FMA."

5. FMA imports into the U.S. hard-shell tourniquet holders that appear identical and confusingly similar to the Eleven 10 Tourniquet Holder (the "FMA Holder"). A photo of the FMA Holder is below:

FMA Holder



6. The U.S. importation and sale of the FMA Holder is likely to cause confusion with the Eleven 10 Trade Dress and therefore infringes the Eleven 10 Trade Dress.

7. LAS sells FMA Holders on its website at liveactionsafety.com.

8. The FMA Holders offered for sale on LAS's website, shown below, are hereby decreed as infringing the Eleven 10 Trade Dress.



Rigid Plastic Tourniquet Case for CAT
Tourniquet - Molle Clip



Rigid Plastic Tourniquet Case for CAT
Tourniquet - Belt Clip

9. LAS's use of the term "Rigid Tourniquet Case" in connection with the sale of tourniquet holders is likely to cause confusion with Eleven 10's RIGID TQ CASE trademark and therefore infringes that trademark.

10. LAS represents and warrants that the FMA Holder sales numbers that it has disclosed to Eleven 10 are true and accurate, and Eleven 10 has relied on those numbers in stipulating to this judgment.

11. The Court hereby enters a permanent injunction that prohibits the importation or sale of the FMA Holder, or any other tourniquet holder that bears a confusing similarity to the Eleven 10 Trade Dress, by LAS, its assignees, successors, affiliates, officers, agents, attorneys, employees, representatives, principals, and associates, and all those in active concert or participation with LAS.

12. As long as (a) LAS complies with the terms of this stipulated judgment, and (b) the sales numbers LAS disclosed to Eleven 10 are true and accurate, Eleven 10 releases LAS from any liability arising from past sales of FMA cases, past copying of Eleven 10's photos and website language, past infringement of the Eleven 10 Trade Dress, and past infringement of the RIGID TQ CASE trademark.

13. Each party shall bear its own costs and attorneys' fees.

14. The case is hereby dismissed and this judgment resolves all claims and therefore is the final judgment of the case.

IT IS SO ORDERED.

Date: 7/8/2020

s/ James S. Gwin

James Gwin
United States District Judge

SIGNED AND STIPULATED BY:



Joseph Castleton
Live Action Safety, LLC

Date: 4.27.20

s/ Matthew J. Cavanagh
Counsel for Eleven 10 LLC

Date: **4/28/2020**